

Changes to legislation: Counter-Terrorism and Security Act 2015, Cross Heading: Amendments of the Immigration, Asylum and Nationality Act 2006 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

AVIATION, MARITIME AND RAIL SECURITY

Modifications etc. (not altering text)

- C1** [Sch. 5](#) extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Counter-Terrorism and Security \(Jersey\) Order 2017 \(S.I. 2017/982\)](#), [art. 2\(g\)](#), [Sch. 7](#)

PART 1

PASSENGER, CREW AND SERVICE INFORMATION

Amendments of the Immigration, Asylum and Nationality Act 2006

- 5 The Immigration, Asylum and Nationality Act 2006 is amended as set out in paragraphs 6 to 8.

Modifications etc. (not altering text)

- C1** [Sch. 5 paras. 5-8](#) extended (Isle of Man) (with modifications) (11.11.2021) by S.I. 2008/680, art. 22ZA, Sch. 9AA (as inserted by [The Immigration \(Isle of Man\) \(Amendment\) Order 2021 \(S.I. 2021/1277\)](#), arts. 1(2), 7, [Sch.](#))

- 6 In section 32 (passenger and crew information: police powers), at the end of subsection (6) insert—
- “(e) may include a requirement for the owner or agent of a ship or aircraft to be able to receive, in a specified form and manner, communications relating to the information.”

Modifications etc. (not altering text)

- C1** [Sch. 5 paras. 5-8](#) extended (Isle of Man) (with modifications) (11.11.2021) by S.I. 2008/680, art. 22ZA, Sch. 9AA (as inserted by [The Immigration \(Isle of Man\) \(Amendment\) Order 2021 \(S.I. 2021/1277\)](#), arts. 1(2), 7, [Sch.](#))

- 7 After that section insert—

“32A Regulations requiring information to be provided to police

- (1) The Secretary of State may make regulations requiring responsible persons in relation to ships or aircraft—

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- (a) which have arrived, or are expected to arrive, in the United Kingdom, or
 - (b) which have left, or are expected to leave, the United Kingdom, to provide information to the police.
- (2) The following information may be required under subsection (1)—
- (a) information about the persons on board;
 - (b) information about the voyage or flight.
- (3) Regulations may impose a requirement to provide the information only if the Secretary of State thinks it necessary—
- (a) in the case of a requirement to provide information to the police in England and Wales, for police purposes;
 - (b) in the case of a requirement to provide information to the police in Scotland, for police purposes which are or relate to reserved matters (within the meaning of the Scotland Act 1998);
 - (c) in the case of a requirement to provide information to the police in Northern Ireland, for police purposes which are or relate to excepted or reserved matters (within the meaning of the Northern Ireland Act 1998).
- In this subsection “police purposes” has the same meaning as in section 32.
- (4) The regulations must—
- (a) specify or describe the classes of ships or aircraft to which they apply;
 - (b) specify the information required to be provided;
 - (c) specify the time by which the information must be provided;
 - (d) specify the form and manner in which the information must be provided.
- (5) The regulations may require responsible persons to be able to receive, in a specified form and manner, communications sent by the police, the Secretary of State or an immigration officer relating to the information.
- (6) Regulations under this section—
- (a) may apply generally or only to specified cases or circumstances,
 - (b) may make different provision for different cases or circumstances,
 - (c) shall be made by statutory instrument, and
 - (d) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) For the purposes of this section, the following are responsible persons in respect of a ship or aircraft—
- (a) the owner or agent, and
 - (b) the captain.

32B Penalty for breach of section 32 or 32A

- (1) The Secretary of State may make regulations imposing penalties for failure to comply with a requirement imposed—

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- (a) under section 32(2) (provision of passenger, crew or service information), or
 - (b) by regulations made under section 32A (regulations requiring information to be provided to police).
- (2) Regulations under subsection (1) may in particular make provision—
- (a) about how a penalty is to be calculated;
 - (b) about the procedure for imposing a penalty;
 - (c) about the enforcement of penalties;
 - (d) allowing for an appeal against a decision to impose a penalty;
- and the regulations may make different provision for different purposes.
- (3) Provision in the regulations about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (4) The regulations must provide that no penalty may be imposed on a person for failure to comply with a requirement imposed under section 32(2) or by regulations made under section 32A where—
- (a) proceedings have been instituted against the person under section 34 in respect of the same failure, or
 - (b) the failure consists of a failure to provide information that the person has also been required to provide under paragraph 27, 27B or 27BA of Schedule 2 to the Immigration Act 1971 and—
 - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under paragraph 27BB of that Schedule, or
 - (ii) proceedings have been instituted against the person under section 27 of that Act in respect of a failure to provide that information, or
 - (c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 24 of that Act.
- (5) Any penalty paid by virtue of this section must be paid into the Consolidated Fund.
- (6) Regulations under this section—
- (a) must be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Modifications etc. (not altering text)

- C1** Sch. 5 paras. 5-8 extended (Isle of Man) (with modifications) (11.11.2021) by S.I. 2008/680, art. 22ZA, Sch. 9AA (as inserted by [The Immigration \(Isle of Man\) \(Amendment\) Order 2021 \(S.I. 2021/1277\)](#), arts. 1(2), 7, [Sch.](#))

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- 8 (1) Section 34 (offence of failure to provide passenger information etc) is amended as follows.
- (2) In subsection (1), for “imposed under section 32(2) or (3) or 33(2)” substitute “imposed—
- (a) under section 32(2) or (3) or 33(2), or
 - (b) by regulations made under section 32A”.
- (3) After subsection (1) insert—
- “(1A) Proceedings may not be instituted against a person under subsection (1) for a failure to comply with a requirement imposed under section 32(2) or by regulations made under section 32A where—
- (a) the person has paid a penalty in respect of the same failure, or a failure to provide the same information, by virtue of regulations made under—
 - (i) section 32B,
 - (ii) paragraph 27BB of Schedule 2 to the Immigration Act 1971, or
 - (iii) section 24 of the Counter-Terrorism and Security Act 2015 (penalty for breach of authority-to-carry scheme); or
 - (b) proceedings have been instituted against the person under section 27 of the Immigration Act 1971 in respect of a failure to provide the same information.”
- (4) In subsection (2), at the end insert “, and
- (c) where a person fails without reasonable excuse to comply with a requirement imposed by regulations made under section 32A to provide information to the police in England and Wales—
 - (i) if the required information does not relate to a reserved matter (within the meaning of the Scotland Act 1998), the person shall not be treated as having committed the offence in Scotland (but has committed the offence in England and Wales);
 - (ii) if the required information does not relate to an excepted or reserved matter (within the meaning of the Northern Ireland Act 1998), the person shall not be treated as having committed the offence in Northern Ireland (but has committed the offence in England and Wales).”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1)(ba) inserted by [2023 c. 16 Sch. para. 15\(2\)\(b\)](#)